

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

XIY QING LIN, et al.,	:	CIVIL ACTION
	:	
Plaintiffs,	:	NO. 07-5329
	:	
v.	:	
	:	
MICHAEL CHERTOFF, et al.,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 26th day of August, 2009, upon consideration of the Motion to Dismiss filed by Defendants Michael Chertoff, Julie L. Myers, and Thomas Decker (“the Moving Defendants”) (Doc. No. 16), Plaintiffs’ Response in Opposition thereto (Doc. No. 19), and the Moving Defendants’ Reply (Doc. No. 20) it is hereby ORDERED as follows:

1. Plaintiffs’ motion for a temporary restraining order, to the extent that is still pending, is DENIED AS MOOT as to all defendants.
2. Plaintiffs’ claims for injunctive and declaratory relief are DISMISSED as to all defendants for lack of standing.
3. Plaintiffs’ Administrative Procedure Act Claim is DISMISSED as to all defendants.
4. Plaintiffs’ petition for writs of mandamus is DENIED.
5. Plaintiffs’ Bivens claim against the Moving Defendants in their official capacities is DISMISSED.
6. Plaintiffs’ request to amend their Amended Complaint to name the Moving Defendants in their individual capacities is DENIED.
7. Plaintiffs’ request to amend their Amended Complaint to assert a Federal Tort Claim is DENIED.

8. Plaintiffs shall have 30 days to SHOW CAUSE why their claims against the Unidentified Agents shall not be dismissed for failure to file proof of service.
9. The Moving Defendants' Motion to Dismiss (Doc. No. 16) is GRANTED..
10. Defendants Chertoff, Myers, and Decker are TERMINATED as parties to the above-captioned action.

BY THE COURT:

S/ C. Darnell Jones II

J.